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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,612	06/30/2000	Dhananjay V. Keskar	219.38424X00	9430

7590

04/08/2005

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/608,612	Applicant(s) KESKAR ET AL.	
	Examiner Tony Mahmoudi	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26, 30-40, and 44-52 is/are rejected.
- 7) ☒ Claim(s) 27-29 and 41-43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

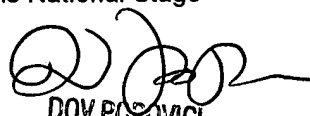
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


 DOV POPOVICI
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Remarks

1. In view of the Appeal Brief filed on 06-December-2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 23-52 are presently pending in the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 23-26, 30-40, and 44-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Baer et al (U.S. Patent No. 6,611,840 B1.)

As to claim 23, Baer et al teaches a method (see Abstract) comprising:

recognizing a change to content (see figures 13-14, see Abstract, and see “adding content” in column 52, line 57 through column 53, line 37, “deleting content” in column 59, lines 27-40, and “undoing changes” in column 60, lines 51-66) of a user populated list of items (see figures 13 and 14, where the user enters “custom title” and “custom content” in blocks 158 and 160) from an item space (see figure 6 and see column 5, line 62 through column 6, line 12, and see column 27, lines 30-39, where “item space” is read on “digital library 20);

generating a query in response to the change, the query being based on characteristics of the items indicated in the list (see column 63, lines 18-35 and see column 73, lines 48-53);
and

applying the query to the item space to identify a second list of items (see column 73, lines 63-67, where “a second list of items” is read on “list of required sequence identifiers for the specified sequence identifier”, and see column 76, line 64 through column 77, line 34.)

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As to claims 24 and 38, Baer et al teaches wherein the user-populated list (see figure 14) comprises a related-items group (see column 2, lines 15-22), and wherein the items indicated in the user-populated list share at least one characteristic with the items indicated in the second list (see column 9, lines 5-50 and see column 30, lines 24-46.)

As to claims 25 and 39, Baer et al teaches wherein the user-populated list (see figure 14) comprises a not-related-items group, and wherein the items indicated in the user-populated list each have at least one characteristic that is not shared with any of the items indicated in the second list (see column 85, line 45 through column 86, line 21.)

As to claims 26 and 40, the applicant is directed to the remarks and discussions made in claims 24-25 and 38-39 above.

As to claims 30 and 44, Baer et al teaches wherein organizing the change comprises one of:

recognizing when one of the items indicated in the user-populated list has been moved from the related-items group to the not-related-items group; or

recognizing when one of the items indicated in the user-populated list has been moved from the not-related-items group to the related-items group (see “Move” button on figure 13 and see column 3, lines 7-15, where “moving within and across containers” is taught.)

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As to claims 31 and 45, Baer et al teaches wherein recognizing the change comprises one of:

recognizing when any item has been deleted from the user-populated list (see figure 13, see column 59, lines 27-33 and see column 62, lines 25-33); or

recognizing when a new item has been added to the user-populated list (see figure 13, see column 53, lines 14-37 and see column 63, lines 25-33.)

As to claims 32 and 46, Baer et al teaches wherein the user-populated list and the second list comprise a first organizational instance among a plurality of organizational instances, and wherein each of the plurality of organizational instances is based on a different set of target characteristics (see column 3, lines 7-15, see column 4, lines 43-51, and see column 56, lines 26-43.)

As to claims 33 and 47, Baer et al teaches wherein recognizing the change comprises: recognizing when a new item has been added to the user-populated list from a second organizational instance (see figure 13, see column 53, lines 14-37 and see column 63, lines 25-33.)

As to claims 34 and 48, Baer et al teaches the method further comprising: recognizing additional changes to the content of the user-populated list (see column 10, lines 50-55); and

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repeating the generating and applying for each of the additional changes (see column 43, lines 48-67.)

As to claims 35 and 49, Baer et al teaches wherein the item space (see figure 6 and see column 5, line 62 through column 6, line 12, and see column 27, lines 30-39, where “item space” is read on “digital library 20) comprises at least one of documents, files, emails, tasks, notes, instant messages, contacts, or web pages stored in memory (see column 5, lines 46-61.)

As to claims 36 and 50, Baer et al teaches the method further comprising:
storing the user-populated list (see column 52, line 57 through column 53, line 22);
recalling the user-populated list following a change in the item space (see column 55, lines 3-32);
regenerating the query (see column 63, lines 18-35 and see column 73, lines 48-53); and
applying the query to the item space to identify an updated list of items (see column 73, lines 63-67, where “an updated list of items” is read on “list of required sequence identifiers for the specified sequence identifier”.)

As to claim 37, Baer et al teaches a machine readable medium having stored thereon machine executable instructions, the execution of which to implement a method (see column 102, lines 58-65) comprising: (for the teachings of the remaining limitations of this claim, the applicant is kindly directed to the remarks and discussions made in claim 23 above.)

As to claims 51 and 52, Baer et al teaches wherein the user populated list (see figures 13 and 14, and see column 53, lines 1-12) comprises a set of identifiers, each identifier of the set of identifiers indicating a particular item in the item space (see column 54, lines 10-28 and see column 73, lines 48-67.)

Allowable Subject Matter

5. Claims 27-29 and 41-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Baer et al (U.S. Patent No. 6,611,840 B1), Fohn et al (U.S. Patent No. 6,460,025), Hedgcock et al (U.S. Patent No. 6,182,060), and Zhai (U.S. Patent No. 6,463,434) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

finding positive characteristics among items indicated in the related-items group;
assigning a positive relevance to each positive characteristic based on a weighted occurrence of a respective positive characteristic among the items indicated in the related-items group;

finding negative characteristics among items indicated in the not-related items group; and

assigning a negative relevance to each negative characteristic based on a weighted occurrence of a respective negative characteristic among the items indicated in the not-related-items group, as claimed in claims 27 and 41.

Claims 28-29 are objected to as being dependent from the objected to dependent claim 27.

Claims 42-43 are objected to as being dependent from the objected to dependent claim 41.

Response to Arguments

7. Applicant's arguments presented in the Appeal Brief, filed on 06-December-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to user behavioral profiling, targeted marketing, and managing data in databases in general:

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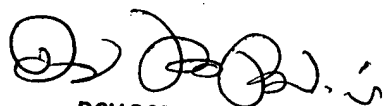
Patent/Pub. No.	Issued to	Cited for teaching
US 6,253,198 B1	Perkins	User defined content, updating content, detecting changes.
US 6,336,117 B1	Massarani	Content-indexing search system, content filtering and blocking.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

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March 28, 2005



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